S.B. CIVIL WRIT PETITION NO.3850/2007
Hari Singh Vs. Jag Mohan Singh & Ors.

DATE OF ORDER : 01.06.2007

**HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ**

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Shri Mohit Gupta for the petitioner.
Shri H.P. Singh for the respondents.

Heard learned counsel for the parties.

The petitioner has challenged the order dated 3.5.2007 passed by the Additional District Judge (Fast Track), Laxmangarh whereby his application under Order 47 Rule 27 read with Section 151 CPC has been rejected. The documents ordered to be placed on record are copies of the judgment of the consumer court and the electricity bills and the demand notice issued by the RSEB and No-objection Certificate given by the

Tehsildar for electricity connection and the letter of Tehsildar. All these documents were refused to be taken on record on the premise that this would delay the decision of the appeal.

The dispute is that as to which the party/parties is in possession of the property, namely, petitioner or respondents. The respondent however asserts that they are in continuous possession of the disputed property and the learned trial court has also decided in their favour.

Without going into the controversy as to which is the party in possession of the disputed property because that is the subject matter o appeal, but keeping in view that the documents were ordered to be taken on

record, it is observed that those documents shall be considered by the appellate court while finally deciding the appeal. Although this limited order should not be intended to mean that the petitioner would be entitled to summon any witness. The respondents may also in the like manner, file documents which they want to file in rebuttal of these documents on any single date that may be allowed by the appellate court. The impugned order passed by the appellate court is accordingly set aside an the application filed by the petitioner is allowed in the terms indicated above.

The writ petition is accordingly disposed of.

(MOHAMMAD RAFIQ),J.

Skant/-